

IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE DISTRICT OF SOUTH CAROLINA  
SPARTANBURG DIVISION

Michael McKoy,	)	
	)	
Plaintiff,	)	Civil Action No. 7:07-1495-HMH-WMC
	)	
vs.	)	<b><u>REPORT OF MAGISTRATE JUDGE</u></b>
	)	
Nathaniel Waddell (Individually);	)	
Oreda Waddell (Individually); North	)	
Metro Properties; and Corey Heins,	)	
	)	
Defendants.	)	
	)	

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This matter is before the court on the plaintiff's two motions for default judgment (docs. no. 46, 60) as to defendant Nathaniel Waddell. In his complaint, the plaintiff, a state prisoner who is proceeding *pro se*, sues his half brother and sister and purchasers of real estate from the estate of the plaintiff's deceased father in North Carolina, claiming fraud, false pretenses, and outrage due to the plaintiff's exclusion from the North Carolina estate proceedings. Defendants Oreda Waddell, North Metro Properties, and Corey Heins have been served with the summons and complaint. However, no proof of service has been received by the court as to defendant Nathaniel Waddell. Accordingly, the plaintiff's motions for default judgment against this defendant are without merit. Therefore, this court recommends that the motions for default judgment (docs. no. 46, 60) be denied.

s/William M. Catoe  
United States Magistrate Judge

November 29, 2007

Greenville, South Carolina